

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2041.03  
COMPLAINT INVESTIGATOR: Connie Rahe  
DATE OF COMPLAINT: May 22, 2003  
DATE OF REPORT: June 19, 2003  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: July 28, 2003

**COMPLAINT ISSUES:**

Whether the Western Boone County Community School District and the Boone-Clinton-Northwest Hendricks Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to implement the student's behavior intervention plan (BIP).

511 IAC 7-21-2 by failing to ensure that all school personnel supervising or providing special education or related services to the student are trained in the area of the student's disability.

**FINDING OF FACT:**

1. The Student is 9 years old, attends the local elementary school (the School), and qualifies for special education and related services under the category of emotional disability (ED) and communication disorder (CD).
2. The Student's IEP dated November 18, 2002 (initial qualification for ED services), contains a BIP plan with goals and accompanying strategies, interventions or methods to reduce inappropriate behaviors toward authority and peers, including throwing pencils and other objects, damaging property of others, arguing or refusing to comply with consequences, and behavior that is an immediate threat to the safety of others. The BIP stated that the Student will be sent home if he is sent to the office twice in one day. The Student was suspended for five days and sent home for eight half days after the BIP was initiated, beginning with a suspension on November 25, 2002. The provision for sending the Student home was changed in the BIP revised March 6, 2003, to state that the Student "will go home if behaviors are potentially harmful to self or others." The Complainant signed agreement to each of the IEP changes in affect for the 2002 to 2003 school year.
3. The School has provided extensive lists of training services in the areas of behavior and behavior management and emotional disabilities that were conducted for both professional staff and paraprofessionals who have provided services for the Student for the last two school years.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that the Student's BIP included sending the Student home if the Student was sent to the office twice in one day or, upon revision, if the Student's behavior was potentially

harmful to himself or others. The Complainant signed agreement to each of the BIP plans implemented by the School in the 2002 to 2003 school year. Therefore, no violation of 511 IAC 7-27-7(a) is found for failing to implement the student's individualized education program (IEP) as written, specifically, failing to implement the student's behavior intervention plan (BIP).

2. Finding of Fact #3 indicates that the professional and paraprofessional staff have been provided training in the areas related to the Student's disability. Therefore, no violation of 511 IAC 7-21-2 is found for failing to ensure that all school personnel supervising or providing special education or related services to the student were trained in the area of the student's disability.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**